

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	CASE NO: DO-18-0007A and DO-18-0018A
)	
JACK HAWKS, D.O.)	
Holder of License No. 4049)	INTERIM CONSENT AGREEMENT FOR A CHAPERONE
)	
For the practice of osteopathic medicine in)	
the State of Arizona)	
)	
)	

INTERIM CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") and Jack Hawks, D.O. ("Respondent"), the parties agree to the following interim disposition of this matter.

1. Respondent has read and understands this Interim Consent Agreement and the Stipulated Interim Findings of Fact, Interim Conclusions of Law and Interim Order ("Interim Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so.

2. By entering into this Interim Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the interim matters alleged, or to challenge this Interim Consent Agreement in its entirety as entered into with the Board, and waives any other cause of action related thereto or arising from said Interim Consent Agreement.

3. This Interim Consent Agreement is not effective until approved by the Board as evidenced by the signature of its Executive Director.

4. Respondent admits to the Interim Findings of Fact and Interim Conclusions of Law contained in the Interim Consent Agreement.

5. This Interim Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

1 6. This Interim Consent Agreement does not constitute a dismissal or
2 resolution of this or other matters currently pending before the Board, if any, and does
3 not constitute any waiver, express or implied, of the Board's statutory authority or
4 jurisdiction.

5 7. All admissions made by Respondent are solely for interim disposition of
6 this matter and any subsequent related administrative proceedings or civil litigation
7 involving the Board and Respondent. Therefore, said admissions by Respondent are
8 not intended or made for any other use, such as in the context of another state or
9 federal government regulatory agency proceeding or civil or criminal court proceedings,
10 in the State of Arizona or any other state or federal court. Respondent admits that the
11 allegations recited in the Interim Findings of Fact have been alleged, but that is not an
12 admission of the merit of the allegations.

13 8. Upon signing this agreement, and returning this document (or a copy
14 thereof) to the Board's Executive Director, Respondent may not revoke the acceptance
15 of the Interim Consent Agreement. Respondent may not make any modifications to the
16 document. Any modifications to this original document are ineffective and void unless
17 mutually approved by the parties.

18 9. This Interim Consent Agreement, once approved and signed, is a public
19 record that will be publicly disseminated as a formal action of the Board and will be
20 reported to the National Practitioner Data Bank and to the Board's website.

21 10. If any part of the Interim Consent Agreement is later declared void or
22 otherwise unenforceable, the remainder of the Interim Consent Agreement in its entirety
23 shall remain in force and effect.

24 11. If the Board does not adopt this Interim Consent Agreement, (1)
25 Respondent will not assert as a defense that the Board's consideration of the Interim
Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense;

1 and (2) the Board will not consider the content of this Interim Consent Agreement as an
2 admission by Respondent.

3
4 REVIEWED AND ACCEPTED THIS 26 DAY OF June, 2018.

5 
6 Jack Hawks, D.O.

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8 **JURISDICTIONAL STATEMENT**

9 12. The Board is empowered, pursuant to A.R.S. § 32-1800, *et seq.* to
10 regulate the licensing and practice of osteopathic medicine in the State of Arizona.

11 13. Respondent holds license No. 4049 issued by the Board to practice as an
12 osteopathic physician.

13 **INTERIM FINDINGS OF FACT**

14 14. The Arizona Board of Osteopathic Examiners in Medicine and Surgery
15 ("Board") initiated case nos. DO-18-0007A and DO-18-0018A against Jack Hawkes,
16 D.O. ("Respondent"), after receiving information alleging that Respondent had
17 inappropriate sexual relationships and/or engaged in inappropriate sexual conduct with
18 three female patients.

19 15. Patient M.P. filed a complaint with the Board on January 19, 2018.
20 Records obtained by Respondent's former employer document that patients S.S. and
21 B.L. made complaints in January 2018, alleging that Respondent had consensual sexual
22 relationships with them while they were his patients.

23 16. On February 12, 2018, the Interim Executive Director issued Dr. Hawks an
24 Interim Order for a psycho-sexual evaluation. Dr. Hawks complied with that Order and
25 on May 9, 2018, the Board received the results of that evaluation. Among other

1 recommendations, the evaluator recommended that Dr. Hawks have a female chaperone
2 present at all times when he is present in an exam room with a female patient.

3 17. Until these matters can be adjudicated fully by the Board, the Executive
4 Director enters into this Interim Consent Agreement with the Respondent.

5 6 **INTERIM CONCLUSIONS OF LAW**

7 1. Pursuant to A.R.S. §32-1800, et seq. the Board has subject matter
8 and personal jurisdiction in this matter. .

9 2. The conduct and circumstances described in paragraphs 1 through 5
10 above, if proven, constitute unprofessional conduct as defined in the following
11 paragraphs of A.R.S. §32-1854 (6), (38), and (42).
12

13 **INTERIM ORDER**

14 Pursuant to the authority vested in the Board's Executive Director,
15 **IT IS HEREBY ORDERED** that Jack Hawks, D.O., holder of osteopathic medical license
16 number 4049, shall have a female chaperone (a medical assistant, nurse practitioner,
17 scribe or other healthcare provider) present in the exam room at all times when
18 Respondent is with a female patient. Respondent shall require the chaperone to
19 maintain a log that denotes the name of each patient, date/time seen and a signature of
20 the chaperone indicating the presence of the chaperone at all times Respondent is
21 present in the exam room with a female patient. This log must be available for
22 production to the Board at all times.

23 1. **Costs:** Respondent or the medical practice through which he practices
24 shall bear all costs incurred regarding compliance with this Order.

25 2. **Obey All Laws:** Respondent shall obey all federal, state and local laws,
and all rules governing the practice of medicine in the State of Arizona.

1 3. **Ceasing Practice in the State of Arizona:** In the event that
2 Respondent ceases to practice medicine in the State of Arizona, by moving out of state,
3 failing to renew his license, or maintaining an Arizona license but ceasing to practice
4 clinical medicine or administrative medicine requiring licensure, Respondent shall notify
5 the Board that he has ceased practicing in Arizona, in writing, within 10 days of ceasing
6 to practice. In its sole discretion, the Board may stay the terms of this Order until such
7 time as the Respondent resumes the practice of medicine in Arizona, or may take other
8 action to resolve the findings of fact and conclusions of law contained in this Order.

9 4. **Failure to Comply / Violation:** Respondent's failure to comply with the
10 requirements of this Order shall constitute an allegation of unprofessional conduct as
11 defined at A.R.S. § 32-1854(25) and proven violations may be grounds for further
12 disciplinary action (e.g., suspension or revocation of license).



15 ISSUED THIS 10th DAY OF JULY, 2018.
16 ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
17 IN MEDICINE AND SURGERY

18 By: 
19 Amber Brake, JD, MHA, FACHE, Executive Director

21 Original filed this 10th day of July, 2018 with the:

22 Arizona Board of Osteopathic Examiners
23 In Medicine and Surgery
24 1740 W. Adams St.
25 Phoenix, AZ 85007

25 Copy of the foregoing sent via regular mail this
 10th day of July, 2018 to:

 Jack Hawks, D.O.

1 Address of record

2 Copy of the foregoing sent via regular mail this
3 10th day of July, 2018 to:

4 Attorney
5 Address of record

6 Copy of the foregoing sent via regular mail
7 this 10th day of July, 2018 to:

8 Jeanne Galvin, AAG
9 Office of the Attorney General SGD/LES
10 2005 North Central Ave,
11 Phoenix AZ 85004
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